



2025:KER:30621

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BASANT BALAJI

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

OP(C) NO. 715 OF 2025

AGAINST THE ORDER/JUDGMENT IN OS NO.503 OF 2018 OF ADDITIONAL
MUNSIFF COURT ,KOZHIKODE-I

PETITIONER:

BIJOY NELLOOR
AGED 49 YEARS
S/O NELLOOR MATHEW, NELLOOR HOUSE, PERUMBALLOOR P.O.,
MUVATTUPUZZHA, ERNAKULAM DISTRICT, PIN - 686673

BY ADVS.
MUDASSER AHAMED
MUNEER AHMED
JAYKAR.K.S.

RESPONDENTS:

- 1 M/S NIRMAL ASSOCIATES
5/93, B-12, ERANHIPALAM, KOZHIKODE, REPRESENTED BY ITS
PARTNER, C. VIJAYAN, PIN - 673006
- 2 AJESH K.V
S/O VARKICHAN, KOCHUKUDIYIL HOUSE, MAMBAT MOOLA P.O.,
VIA NILAMBUR, MALAPPURAM DISTRICT, PIN - 676101

BY ADVS.
PUSHPARAJAN KODOTH
K.JAYESH MOHANKUMAR(K/2535/1999)
VANDANA MENON(K/153/2007)
P.SHAMSUDDEEN(K/000134/2013)
VIMAL VIJAY(K/000214/2018)



2025:KER:30621

VINAYAK MANOHARAN P.(K/001679/2024)

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 08.04.2025,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**JUDGMENT**

(Dated this the 8th day of April, 2025)

The petitioner approached this Court for a direction to the Additional Munsiff Court-I, Kozhikode, to consider Ext.P5 claim petition before considering Ext.P7.

2. The petitioner is the claim petitioner in I.A.No.8 of 2021. The suit was filed by the 1st respondent against the 2nd respondent for realisation of money. The 2nd respondent appeared in the suit and filed a written statement admitting the plaint and partly disputing the same. An application was filed as I.A.No.3137 of 2018, seeking attachment of the movable properties belonging to the 2nd respondent. After the 2nd respondent entered appearance, the trial Court passed an order directing the respondent to show cause why security shall not be furnished for Rs.9,37,641/-, and conditional attachment was passed. On 09.09.2020, the trial court passed another order directing the Amin to effect the attachment and for report to 27.10. The Amin attached the properties, and thereafter, the present I.A was filed by the



2025:KER:30621

claim petitioner claiming right to the movable properties as I.A.No.8 of 2021. A counter affidavit is filed by the petitioner to the said I.A. The 1st respondent also filed I.A.No.10 of 2024, seeking a direction to produce the articles before the court, to which an objection was filed as Ext.P8. The limited relief sought in the petition is for a direction to dispose of Ext.P5 claim petition before any orders are passed in Ext.P7. The learned counsel for the respondent submits that Ext.P5 and Ext.P7 were heard together, and when the orders were about to be passed the petitioner has obtained a stay of all further proceedings.

3. Taking into consideration the facts of the case that Ext.P5 and Ext.P7 are pending, I dispose of this Original petition, directing the trial court to pass orders on Ext.P5 and Ext.P7 in the next posting itself.

This Original Petition is disposed of as above.

Sd/-

**BASANT BALAJI,
JUDGE**



2025:KER:30621

APPENDIX OF OP(C) 715/2025

PETITIONER EXHIBITS

- Exhibit P1** **THE TRUE COPY OF THE PLAINT IN OS NO. 503/2018 ON THE FILES OF THE 1ST ADDITIONAL MUNSIFF COURT, KOZHIKODE**
- Exhibit P2** **THE TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE 2ND RESPONDENT IN OS NO. 503/2018 ON THE FILES OF THE 1ST ADDITIONAL MUNSIFF COURT, KOZHIKODE**
- Exhibit P3** **THE TRUE COPY OF THE ATTACHMENT ORDER DATED 04-01-2021 PASSED IN IA NO. 3137/2018 IN OS NO. 503/2018 ON THE FILES OF THE 1ST ADDITIONAL MUNSIFF COURT, KOZHIKODE**
- Exhibit P4** **THE TRUE COPY OF THE BOND OBTAINED BY THE AMIN FROM THE SHOWROOM MANAGER OF THE PETITIONER IN IA NO. 3137/2018 IN OS NO. 503/2018 ON THE FILES OF THE 1ST ADDITIONAL MUNSIFF COURT, KOZHIKODE**
- Exhibit P5** **THE TRUE COPY OF THE CLAIM PETITION FILED BY THE PETITIONER AS IA NO. 8/2021 IN OS NO. 503/2018 ON THE FILES OF THE 1ST ADDITIONAL MUNSIFF COURT, KOZHIKODE**
- Exhibit P6** **THE TRUE COPY OF THE COUNTER STATEMENT FILED BY THE 1ST RESPONDENT IN IA NO. 8/2021 IN OS NO. 503/2018 ON THE FILES OF THE 1ST ADDITIONAL MUNSIFF COURT, KOZHIKODE**
- Exhibit P7** **THE TRUE COPY OF THE SUMMONS RECEIVED BY THE PETITIONER FROM THE 1ST ADDITIONAL MUNSIFF COURT IN IA NO. 10/2024 IN OS NO. 503/2018 ALONG WITH THE AFFIDAVIT FILED BY THE 1ST RESPONDENT DATED 17-02-2024**
- Exhibit P8** **THE TRUE COPY OF THE COUNTER STATEMENT FILED BY THE PETITIONER IN IA NO. 10/2024 IN OS NO. 503/2018 ON THE FILES OF THE 1ST ADDITIONAL MUNSIFF COURT, KOZHIKODE**

//True copy//PA to Judge